

1 PHILLIP A. TALBERT
United States Attorney
2 ADRIAN T. KINSELLA
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5

6 Attorneys for Plaintiff
United States of America
7
8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ROBERT GODINEZ,
15 Defendant.

CASE NO. 2:23-CR-0161-DAD
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
COURT: Hon. Dale A. Drozd
TIME: 9:30 AM

16
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was previously set for status conference on August 29,
21 2023, before the Honorable John A. Mendez. ECF No. 8. Time has already been excluded until this
22 date.

23 2. On July 13, 2023, the August 29 status hearing was vacated and the case was reassigned
24 to the Honorable Dale A. Drozd. ECF No. 12.

25 3. By this stipulation, defendant now moves to set a status conference on September 26,
26 2023, and to exclude time between August 29, 2023, and September 26, 2023, under Local Code T4.

27 4. The parties agree and stipulate, and request that the Court find the following:

28 a) The government has represented that the discovery associated with this case

1 includes over 70 gigabytes of evidence in electronic form, including criminal history documents,
2 phone intercepts and other evidence from multiple Title III wiretaps, and search warrants. Much
3 of this discovery is in the Spanish language. All of this discovery is in the process of being
4 produced directly to counsel and has been made available for inspection and copying.

5 Additional discovery is forthcoming.

6 b) Counsel for defendant desires additional time to consult with his client, review the
7 current charges, to conduct research and investigation related to the charges, to review and copy
8 discovery for this matter, to discuss potential resolutions with his client, to prepare pretrial
9 motions, and to otherwise prepare for trial.

10 c) Counsel for defendant believes that failure to grant the above-requested
11 continuance would deny him the reasonable time necessary for effective preparation, taking into
12 account the exercise of due diligence.

13 d) The government does not object to the continuance.

14 e) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of August 29, 2023 to September 26,
19 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis
22 of the Court's finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

24 //

25 //

26 //

27 //

1 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5
6 Dated: August 21, 2023

PHILLIP A. TALBERT
United States Attorney

7
8 _____
9 /s/ ADRIAN T. KINSELLA
10 ADRIAN T. KINSELLA
11 Assistant United States Attorney

12 Dated: August 21, 2023

13
14 _____
15 /s/ JESSE J. GARCIA
16 JESSE J. GARCIA
17 Counsel for Defendant
18 ROBERT GODINEZ

19
20 **ORDER**

21 Pursuant to the stipulation of the parties, this case is now set for status conference before the
22 undersigned on September 26, 2023, at 9:30 a.m. and time is excluded between August 29, 2023, and
23 September 26, 2023, under Local Code T4.

24 IT IS SO ORDERED.

25 Dated: August 22, 2023

26
27 _____
28 *Dale A. Droyd*
29 UNITED STATES DISTRICT JUDGE